

**UNITED STATES DISTRICT COURT**

**DISTRICT OF CONNECTICUT**

**FILED**

2009 MAR -3 P 2:10

US DISTRICT COURT  
HARTFORD CT

3:09cv344(2011)

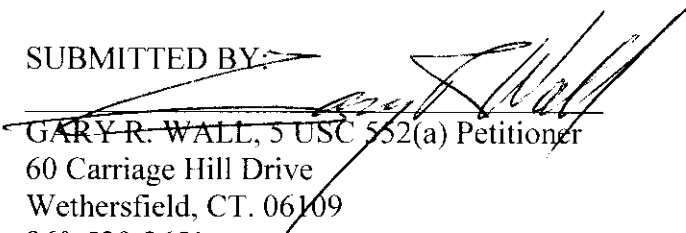
**GARY R. WALL**  
Plaintiff

v.

**EXECUTIVE OFFICE FOR UNITED STATES  
ATTORNEYS WASHINGTON, D. C.  
U. S. ATTORNEYS OFFICE  
NORTHERN DISTRICT ILLINOIS**

**5 U.S.C. 552(a)(4)(B) FEE WAIVER COMPLAINT**

SUBMITTED BY:

  
~~GARY R. WALL~~, 5 USC 552(a) Petitioner  
60 Carriage Hill Drive  
Wethersfield, CT. 06109  
860-529-2651

DATED: March 3, 2009

## COMPLAINT

This F.O.I.A. Fee Complaint comes to this Court pursuant to 5 U.S.C. 552(a), after exhaustion of F.O.I.A. Federal Procedures, see attached letter verifying so. This F.O.I.A. Complaint meets the requirements of 5 U.S.C. 552(a)(4)(A)(iii).

*“if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester”*

This petitioner is being careful separating public interest and commercial interest. See Larson v. Central Intelligence Agency 843 F2d Id. 1483. Finding #2 “a comparison of the identified disclosure” (28 U. S. C. 16.11(k)(3)). In compliance, the information in the U. S. Attorneys Office Northern District of Illinois will expose an 18 USC 371(a)(b) Conspiracy against the Lawful Functions of the United States. This petitioner does not have Standing under 18 U.S.C. 371, only the public does eliminating commercial interests.

The facts in this matter are by way of the knowledge gained by 12 years of Federal Litigation multiple same subject matter complaints, 10 Judicial Complaints, 3 Writs filed and docketed in The U. S. Supreme Court. The public interest in this F.O.I.A. Complaint is economic to the 800,000 members of Laborers’ International Union of North America (LIUNA) and their 30 Billion in pension assets. Also in public interest is that documents concerning the “Operating Agreement” between the Department of Justice and LIUNA will expose Separation of Powers Corruption making the Citizens of the United States “public interests” meeting the “reasonably broad audience” requirement of C.F.R. 16.11(k)(2)(iii).

**THE “OPERATING AGREEMENT” BETWEEN D.O.J. AND LIUNA PUBLIC  
INTEREST AND SAFETY OF THE JUSTICE SYSTEM**

**BACKGROUND CAUSE**

The information in the 375 boxes will expose that on or about November 1995, the target of a Boston Grand Jury was served a 212-page draft RICO Complaint. The information in the boxes will also expose that a former General Counsel for the D.O.J. was retained in his now private practice by the target of a 212-page RICO Complaint as defense counsel. It will also show defense counsel now authors and drafts the “Operating Agreement with the intent to obstruct the findings of a Boston Grand Jury. In addition, the information requested will show that Defense Counsel then testifies in front of Congress committing perjury in support of aiding and abetting an OCCA/RICO Enterprise.

**THE EFFECT IN “PUBLIC INTEREST” AND SAFETY OF THE JUDICIAL  
SYSTEM OF THE UNITED STATES**

One example of the consequences of an “Operating Agreement”:

Pursuant to multiple 11(b)(3) Inquiries over a five (5) year period and knowledge gained through 12 years of litigation when Arthur Coia Jr. hired Robert D. Luskin (paying millions in Laborers’ money on retainer). Coia did so with the knowledge that he was not only buying Robert D. Luskin in his private and government position 18 USC 1961(7) but was also buying Luskin’s network of Federal Judges former U. S. Attorneys, a group of Federal Judges that insidiously obstruct any pleadings that expose Executive Branch corruption that being, in this matter, the “Operating Agreement”. Mr. Luskin has such a corrupt influence on the Judicial Branch that he committed perjury in a trial in this

District (Connecticut) in collusion with a convicted pension embezzler and a convicted Federal perjurer. The “Operating Agreement” also has corrupted the Second Circuit criminally influencing former U. S. Attorneys now Second Circuit Federal Judges obstructing pleadings by multiple acts of fraud and deceit concerning material matters regarding the “Operating Agreement”. All these allegations are supported by documentation.

**“OPERATING AGREEMENT”/U.S. ATTORNEYS OFFICE NORTHERN DISTRICT OF ILLINOIS**

By the terms of the “Operating Agreement” (D.O.J./LIUNA) jurisdiction for any LIUNA matter concerning Title 18, 28 or 29 is the jurisdiction of the Northern District of Illinois. The jurisdiction matter came about by Robert D. Luskin committing perjury when he testified in front of the McCollum Subcommittee on Crime on July 26, 1996. That perjury was part of a criminal scheme that allowed the 212-page OCCA/RICO Complaint to be transferred from Boston where the Grand Jury convened and was presented evidence to the Northern District of Illinois where it could be and was obstructed in the meaning of 18 USC 371(a)(b) (conspiracy against the Lawful Functions of the United States).

**U. S. ATTORNEY PATRICK FITZGERALD NORTHERN DISTRICT OF ILLINOIS**

U. S. Attorney Fitzgerald was and is part of this 18 U.S.C. 371(a)(b) criminal scheme in which the public has Standing through the Department of Justice. Mr. Fitzgerald has been made aware by F.B.I. Agents, United States Attorneys from his office, this petitioner and through federal affidavits by Federal Affiants who were victims of multiple Hobbs Act violations (18 USC 1951) (29 USC 530 Assault) against them in

their capacity as Federal Affiants in Federal Complaints. United States Attorney Fitzgerald sent F.B.I. Agents and United States Attorneys from his Chicago Office to the District of Connecticut in order to protect the criminal Enterprise. Mr. Fitzgerald has also been made aware of an on going (to this day) multi million dollar 29 USC 501(c) Embezzlement Scheme. Mr. Fitzgerald has and is by fact protecting, facilitating and abetting an OCCA/RICO Enterprise crimes (18 USC 1962(a)(b)(c)(d)).<sup>1</sup> That is the reason U. S. Attorney Fitzgerald put a forty two hundred dollar Search Fee (\$4200) to avoid his obligations under the Freedom of Information Act. Said Enterprise 18 USC 1961(4) LIUNA has the same Top Echelon Governance Structure (sons now fathers before) as identified by President Reagan's Crime Commission.

#### **“PUBLIC INTEREST” AND NEED FOR PUBLIC KNOWLEDGE**

This is a situation where a nationally known Pension Racketeer not only bought out a 212-page OCCA/RICO Complaint 18 USC 1964(c) with membership money. He also with membership money bought a pre-indictment (Clinton) Presidential Pardon (terms of the schemes). The Enterprise protected by the “Operating Agreement” and the U. S. Attorneys Office Northern District of Illinois has caused a criminal conspiracy (18 USC 371(a)(b)) known as the “Operating Agreement” to contaminate and corrupt the entire Justice System of the United States. This is the seed of a Police State that the public should be made aware of.

---

<sup>1</sup> By all the news accounts lately (in another matter), Mr. Fitzgerald's reckless style of abuse of 5<sup>th</sup> Amendment Due Process Rights and manipulation of evidence is evident (Police State Politics).

### **PUBLIC UNDERSTANDING**

See 28 C.F.R. 16.11(k)(2)(iv) “*the public’s understanding of the subject after disclosure must be enhanced significantly when compared to the level of public understanding prior to disclosure*”.

The public understanding will be *enhanced* concerning Operating Agreements and Consent Decrees. The public will be made aware that these instruments did not save the government any money just the opposite happened. The government created a situation where there is no fear of criminal sentencing guidelines, whether it is Trade Unions or Wall Street costing the government money and the citizens of the United States money and their livelihoods creating criminals on every corner.

### **DISCLOSURE**

See C.F.R. 16.11(k)(2)(iii) “*the requesters ability and intention to effectively convey the information must be considered*”.

This petitioners “*intention*” will be to send substantive facts to newspapers. This petitioners “*ability*” can only be harmed by a Sub Rosa U. S. Attorney Press Shield where the U. S. Attorney’s Office tells reporters not to print because there is a sitting Grand Jury when there is no sitting Grand Jury, making the reporters victims of the Press Shield along with the public.

### **FILING**

This instant 5 USC 552(a) action in the interest of Justice and Canon Law should not be filed in the Bridgeport Division or with any Judge that Senior Judge Alan Nevas has Sub Rosa corrupt influence on by way of corrupt[ed] law clerks. Senior Judge Alan Nevas is one of the primary criminal usurpers of Civil and Statutory Rights obstructing

pleadings that exposed the “Operating Agreement” as a criminal scheme (18 U.S.C. 371) doing so through law clerks when he is not even assigned to the case (documented). Senior Judge Alan Nevas was also a U. S. Attorney now Federal Judge. This petitioner also requests in the interest of Justice that this case not be heard by any Federal Judge who was a former U. S. Attorney. This is Separation of Powers Corruption making this filing statement applicable. At this critical time in our country “Public Interest” should be a first priority concerning corruption of the Lawful Functions of the United States.

#### **PUBLIC INTEREST – SENATOR KEFAUVER WARNING AMERICANS**

If ever there is a situation where Senator Kefauver’s warning should be paid close attention to, it is here.

***See Third Interim Report of Special Committee to investigate “Organized Crime and Interstate Commerce” Senate Report No. 307 82<sup>nd</sup> Congress 1<sup>st</sup> Session (1951) Page 3:***

***‘The Kefauver Crimes Investigating Committee warned Americans not to rely upon the central government to control Organized Crime but to use their Local Grand Juries to attack the problem in their own communities’***

Please pay extra attention to this following detail. As general counsel, Luskin authored and drafted new RICO U. S. Attorney Guidelines. See now 9 – 110.210 United States Attorneys Manual “Authorization of Prosecution the Review Process”.

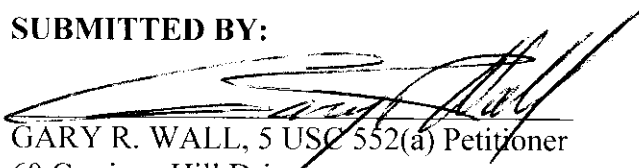
Quote: ***“Review and Approval function for all RICO matters has been centralized with the Organized Crime and Racketeering Section”***; exactly what Senator Kefauver “Warned Americans” about, happened. And, sophisticated crimes of this level should not be hidden from “public visibility”, no matter who the criminals are.

### RELIEF

This Court should Grant this instant 5 U.S.C. 552 Waiver for the primary reason that the citizens of this Country be made aware of the consequences of “Operating Agreement or Consent Decree” between the Department of Justice whether it is with 18 U.S.C. (1961(4) Trade Unions or 18 U.S.C. 1961(4) Wall Street firms. Every Americans Civil Rights and Liberties in this Country, either directly or indirectly, have been harmed by “Operating Agreements or Consent Decrees” with a corrupt Department of Justice.<sup>2</sup>

Therefore, in the interest of Statutory Law and Canon Law this Waiver should be granted in order to expose to public view this very dangerous, Constitutionally harming situation with national criminal consequences.

**SUBMITTED BY:**



GARY R. WALL, 5 USC 552(a) Petitioner  
60 Carriage Hill Drive  
Wethersfield, CT. 06109  
860-529-2651

---

<sup>2</sup> The reason the Northern District of Illinois is charging \$4200.00 to search 375 boxes is to stop the general public from seeing the real criminal scheme and use of both Operating Agreements and Consent Decrees. That being, it is a D.O.J. shake down of enterprises 18 U.S.C. 1961(4), whether Trade Unions or Wall Street Firms committed in a very sophisticated and insidious criminal manner by former D.O.J. Officials now in private life and practice, who let it be known to the Top Echelon Associates of the Enterprise that in order to protect themselves from RICO Criminal Sentencing Guidelines and the D.O.J. and the Judicial Branch, that the associates of the Enterprise make them partners on retainer and during the life of the 18 U.S.C. 1961(4) Enterprise (Life meaning until all the money is embezzled, like the MADOFF ENTERPRISE). [LIUNA has 30 Billion in Pension Assets]



### CERTIFICATION

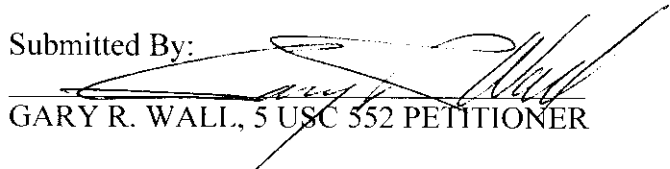
This is to certify that a copy of this 5 USC 522 Fee Waiver Complaint has been sent and serviced started on this third day of March 2009 postage pre-paid to:

Executive Office for United States Attorneys  
Suite 7300, Bicentennial Building  
600 E. Street, N. W.  
Washington, DC 20530

U. S. Attorneys Office Northern District of Illinois  
Chief U. S. Attorney Patrick Fitzgerald  
Federal Building  
219 South Dearborn Street  
5<sup>th</sup> Floor  
Chicago, Illinois 60604

Department of Justice Office of the Solicitor General  
c/o of Acting Solicitor General, Mr. Edwin Kneedler  
Robert F. Kennedy Department of Justice Building  
950 Pennsylvania Avenue N.W.  
Washington, D. C. 20530-0001

Submitted By:

  
GARY R. WALL, 5 USC 552 PETITIONER

# **ATTACHMENTS**

**First Letter – Executive Offices of  
the United States Attorneys  
Dated 11/28/07**

**Second Letter – Office of  
Information and Privacy  
Department of Justice  
Dated 10/1/08**



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 7300, Bicentennial Building  
600 E Street, N.W.  
Washington, DC 20530

(202) 616-6757  
FAX (202) 616-6478

Requester: Gary R. Wall

Request No. 07-3232

NOV 28 2007

Dear Mr. Wall:

We are currently searching for documents responsive to your FOIA/PA request, and we have reached the two hours of search time provided to you at no charge. Federal Regulation 28 CFR 16.11(i) provides that our office may collect an advance payment **before we continue processing your request** if we estimate fees will exceed \$250.00. Search time is \$28.00 per hour, after the first two hours which are free. In your case, the Northern District of Illinois has informed us that a complete search will take an additional 150 hours. Again, this excludes the first two hours which are provided free of charge. Therefore, the search fee would be approximately \$4200. The district has also indicated that they have about 375 boxes of records in this case that would have to be searched. Normally a box of records contains between 2,000 and 4,000 pages. We do not know at this time prior to a complete search how many records responsive to your request might be found. Although not all of these records are likely to be released to you, please note that in addition to the charges for search time, we charge \$.10 per page for pages released to you, after the first 100 pages which are free. Once processing has been completed and a final charge is known, you will be required to submit the remaining fee before documents will be released to you.

Accordingly, an advance payment of \$4200.00 in the form of a check or money order, payable to the Treasury of the United States, must be received by this office before we will continue processing your request. **Please indicate on the face of the check the above request number and mail it to the above address.**

If you wish to reduce your fees, you may reformulate your request by limiting the documents to a specific category or categories. Or, if you specify that you will only pay up to a certain amount, we will process your case up to that amount. Finally, keeping in mind that the first two hours were free, you may direct that we terminate your search.

**Per 28 C.F.R. 16.11(i), your request is not considered received until we receive a response from you. Please respond within 30 days of the date of this letter, or this matter will be closed.** If you wish, you may use the attached form to indicate your wishes. If you have any questions, please call Attorney Advisor Garry Stewart at 202-616-3450.

Sincerely,

A handwritten signature in black ink that reads "William G. Stewart II".

William G. Stewart II  
Assistant Director

Note: You may appeal this response by writing within 60 days to the Office of Information and Privacy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington D.C. 20530-0001.